

## REMARKS

Claims 44-48, 50, and 68-78 are pending in this application. Claims 44 and 50 have been amended. Claims 1-43 and 51-67 were previously withdrawn, and are currently cancelled without prejudice. Claim 49 was cancelled in a previous amendment. New claims 68-78 have been added. No new matter has been added.

Support for the amendments and new claims can be found, for example, in FIGS. 1 and 2 and pages 8, 9, 11, and 30 of originally filed specification.

### **I. Telephone Interview and Interview Summary**

The Applicants note with appreciation the interview with Examiners Vetter and Hayes on November 5, 2008. The Applicants have amended the pending claims to clarify the invention.

During the interview, the Applicants pointed out the differences between the claimed invention and the applied references, dePinto (US 2002/0194112) and Force (US 2003/0130945). Specifically, Applicants pointed out that the references fail to disclose client computers, computer service providers, and UDDI servers executing UDDI protocols. The Applicants further suggested amendments to overcome the obviousness rejection of claims 44-48 and 50. The Examiners indicated that they would consider additional clarifying amendments in furthering the prosecution of the present application.

### **II. Objection to the Specification**

The Final Office Action objected to the specification because it contains an embedded hyperlink and/or other form of browser-executable code. Applicants have amended the specification in accordance with MPEP § 608.01 to overcome the objection.

### **III. Claim Rejections – 35 U.S.C. § 103**

Claims 44-48 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0194112 (“dePinto”) in view of US 2003/0130945 (“Force”).

Amended independent claim 44 recites, *inter alia*, (1) performing a transaction, by a client computer, with a first service provider, the first service provider being a server computer, (2) automatically collecting feedback data pertaining to the transaction, (3) transmitting, to a

directory service, a request for a provider of a second service, the directory service including a UDDI server configured to execute a UDDI protocol, and (4) receiving, from the directory service, a response based on the second service request, the at least a portion of the feedback data, and the UDDI protocol, wherein the response comprises one or more service locations.” Both dePinto and Force fail to disclose, teach, or suggest one or more of these elements.

For example, independent claim 44 recites that a “client computer” perform a transaction with a “server computer.” Thus, it is the client computer that performs the transaction with the server computer and not users of the computers that perform transactions. dePinto fails to disclose a client computer performing a transaction with a server computer. Rather, dePinto discloses that “there are two primary classes of users of the exchange: clients who are requesting intellectual capital; and members (or, generally, ‘service providers’) who are providing the intellectual capital in response to a client request.” Paragraph 74 (emphasis added). That is, dePinto discloses a client in the context of a person, not a computer. Furthermore, dePinto discloses that service providers are members – that is, people -- not server computers.

Furthermore, independent claim 44 also recites automatically collecting feedback data. The Final Office Action states that dePinto fails to disclose the automatic collection of feedback data. See OA, p. 3. Force fails to overcome the deficiencies of dePinto. For example, the Abstract of Force discloses an automated invoice management system including means for receiving an evaluation parameter set, means for receiving an import electronic transaction file, and means for providing an export electronic transaction file to the receiving system. Abstract. Force further discloses that the export file comprises a message that corresponds to a result of an evaluation engine. Abstract. However, unlike the claimed invention, evaluation parameters, import electronic transaction files, export electronic transaction files, and messages that correspond to a result of an evaluation engine are not feedback data. Force further discloses that the file is a file loading configuration. Paragraphs 124 and 125. In fact, Force recites that the message is merely selected from one of a plurality of evaluation messages. See Force, claim 1. That is, messages in Force are predetermined, which cannot be feedback data, as defined by the specification of the present application. See *e.g.*, Specification, page 10 (“Feedback data is unknown to the party providing the feedback data prior to beginning a transaction”). Thus, while Force may disclose receiving and providing transaction files, the messages and files fail to disclose or suggest feedback data as recited in the claimed invention.

Independent claim 44 also recites a directory service including a UDDI server configured to execute a UDDI protocol. Both dePinto and Force fail to disclose, teach, or suggest a directory service including a UDDI server executing a UDDI protocol.

Independent claim 44 further recites receiving a response based on the at least a portion of the feedback data, and the UDDI protocol, wherein the response comprises one or more service locations.” dePinto and Force fail to disclose, teach, or suggest a UDDI server and a response based on a UDDI protocol. In addition, service locations are stated in the specification to include “an address, text string, or data that identifies or locates a service provider. *See* Specification, page 1 (emphasis added). In contrast, dePinto discloses that “[i]n a preferred embodiment, the identity of clients and members is not revealed during the transaction.” dePinto paragraph 74. That is, dePinto teaches away from the claimed invention because dePinto discloses that it is preferred that the identity of service providers or members are not revealed.

Moreover, the Final Office Action cites paragraph 198 of dePinto for disclosing receiving a list of service locations; however, paragraph 198 discloses that a staged disclosure of a job request involves first disclosing the job request to service providers or members with a certain rating. Then, these members can review the job request and decide to accept or decline the job request. Only after members are given a chance to review and accept a job is a list of service providers/members available for the client to review. However, the list of service providers received from the exchange system is not based on a service request and at least a portion of the feedback data, as recited in the claimed invention. Rather, the service providers received in dePinto, if any, is a function of (1) each potential service provider’s initial rating, (2) which service providers accept the job, (3) an acceptance probability rate, (4) a traffic rate, (5) whether a quota of acceptances has been met, and (6) whether the deadline for acceptances has been reached. *See* dePinto paragraphs 198-209. That is, the list of members/service providers in dePinto are not based on feedback data as recited in the claimed invention.

For at least these reasons, independent claim 44 and all claims depending therefrom should be allowed over dePinto in view of Force.

**IV. New Independent Claims 71 and 74**

New independent claim 71 recites, *inter alia*, (1) “monitoring . . . an electronic transaction involving a client computer and a first computer service provider,” (2) “automatically collecting feedback data by the at least one data collector device, the feedback data pertaining to the electronic transaction,” (3) “transmitting, from the directory service device, a response based on the service request and the at least a portion of the automatically collected feedback data, wherein the response comprises one or more locations of computer service providers. dePinto and Force fail to disclose or suggest one or more elements of claim 71. For at least this reason, claim 71 and all claims depending therefrom should be allowed.

New independent claim 74 recites, *inter alia*, “a UDDI server including a UDDI registry, . . . the UDDI server configured to execute a UDDI protocol to generate a list of service locations for one or more of the computer service providers in response to a request from the client computer, the list of service locations based at least in part on the feedback data stored in the data repository and the information associated with the computer service providers. As discussed for amended claim 44, both dePinto and Force fail to disclose or suggest a UDDI server, a UDDI registry, and a UDDI protocol. Thus, for at least these reasons, claim 74 and all claims depending therefrom should be allowed.

**CONCLUSION**

Applicants submit that claims 44-48, 50, and 68-78 are in condition for allowance and action toward that is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (312) 425-8552.

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It is believed that no additional fees are due; however, should any fees be required (except for payment of the issue fee) or credits due, the Commissioner is authorized to deduct the fees from or credit the overpayments to Nixon Peabody Deposit Account No. 50-4181, Order No. 812495-000220.

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Respectfully submitted,

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